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ZONING AND AIRPORT LAND USE PLANS

House Bills 5036 and 5037

Sponsor: Rep. Mike Green

**Committee: Local Government and
Urban Policy**

Complete to 10-29-99

A SUMMARY OF HOUSE BILLS 5036 AND 5037 AS INTRODUCED 10-26-99

House Bills 5036 and 5037 would amend the Township Zoning Act and the County Zoning Act, respectively, and in an identical manner. The bills are tie-barred to Senate Bills 764 and 765 so that neither could take effect unless those Senate bills were enacted into law. (Senate Bill 764 would amend the Aeronautics Code to require the manager of a licensed airport to promptly file with the appropriate zoning board a copy of the approved airport layout and approach plans. Senate Bill 765 would amend the City and Village Zoning Act in essentially the same ways that House Bills 5036 and 5037 would amend the zoning acts of townships and counties.) A summary of House Bills 5036 and 5037 follows.

House Bill 5036 would amend the Township Zoning Act (MCL 125.273 et al.) to require that promptly after an airport layout plan or airport approach plan was filed with the township zoning board, the township would have to incorporate the airport layout or approach plans into its land use and growth management plan. The bill also would require that the zoning ordinance township officials use to adopt the plan be made with reasonable consideration of, among other things, the environs of any airport within a district (if the ordinance were adopted after the effective date of the bill), and comments received at or before a public hearing from the airport manager of any airport.

Under the bill, if a zoning ordinance were already in effect, that ordinance would not be required to be consistent with any airport zoning regulations, airport layout plan, or airport approach plan. However, any zoning ordinance amendment adopted, or variance granted, after the effective date of the bill could not increase any inconsistency that may exist between the zoning ordinance (or structures or uses) and any airport zoning regulations, layout plan or approach plan. In the alternative, if a zoning ordinance were adopted after the effective date of the bill, that zoning ordinance would be required to be consistent with any airport zoning regulations, or airport plan. The bill specifies that neither of these provisions would limit the right to petition for submission of a zoning ordinance amendment to the electors.

House Bill 5036 would require that not less than 10 days' notice of any additional public hearing be given by mail to the airport manager of each airport, among others. The bill also would require that promptly following adoption of a zoning ordinance (or subsequent amendment) by the township board, a copy of the notice be mailed to the airport manager.

House Bills 5036 and 5037 (10-29-99)

House Bill 5037 would amend the County Zoning Act (MCL 125.203 et al.) to require that promptly after an airport layout plan or airport approach plan was filed with the county zoning board, the county would have to incorporate the airport layout or approach plans into its land use and growth management plan. The bill also would require that the zoning ordinance county officials use to adopt the plan be made with reasonable consideration of, among other things, the environs of any airport within a district (if the ordinance was adopted after the effective date of the bill), and comments received at or before a public hearing from the airport manager of any airport.

Under the bill, if a zoning ordinance were already in effect, that ordinance would not be required to be consistent with any airport zoning regulations, airport layout plan, or airport approach plan. However, any zoning ordinance amendment adopted, or variance granted, after the effective date of the bill could not increase any inconsistency that may exist between the zoning ordinance (or structures or uses) and any airport zoning regulations, layout plan or approach plan. In the alternative, if a zoning ordinance were adopted after the effective date of this legislation, that zoning ordinance would be required to be consistent with any airport zoning regulations, or airport plan. The bill specifies that neither of these provisions would limit the right to petition for submission of a zoning ordinance amendment to the electors.

House Bill 5037 would require that not more than 15 days after adoption of a zoning ordinance (or subsequent amendments) by the county board of commissioners and approval by the Department of Consumer and Industry Services, a notice of adoption would have to be published in a newspaper of general circulation in the county. Further, promptly following adoption of a zoning ordinance and approval by the Department of Consumer and Industry Services, a copy of the notice of adoption would also have to be mailed to the airport manager.

Analyst: J. Hunault

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.